

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
CHATTANOOGA DIVISION

BUFFALO LUMBER COMPANY, INC.,)	
)	
Plaintiff,)	
)	
v.)	No. 1:22-cv-00005-SKL
)	
JANYLYN MARKS and)	
BUILT BY LOGIC, LLC,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

On March 18, 2022, the parties notified the Court they had settled their case following mediation. That same day, the Court entered an Order requiring the parties to file a stipulation of dismissal on or before April 21, 2022, or in the alternative to request an extension of the April 21 deadline [Doc. 28]. The Order specifically stated that if the stipulation of dismissal was not timely filed and an extension not requested, the Court would dismiss the case without further notice. By April 26, the parties still had not filed a stipulation of dismissal or requested an extension of the April 21 deadline. Accordingly, the Court entered a Judgment Order dismissing the case pursuant to Federal Rule of Civil Procedure 41(b) and Eastern District of Tennessee Local Rule 68.1 [Doc. 29].

On April 28, 2022, the parties filed a joint motion to set aside the judgment pursuant to Federal Rule of Civil Procedure 59 [Doc. 30]. In the joint motion, they request “an additional sixty (60) days to finalize the terms of the settlement agreement reached at the mediation in this matter.” [*Id.* at Page ID # 248]. The parties state that they “inadvertently failed to advise the court that additional time was necessary,” but they have been “actively engaged in drafting, reviewing, and attempting to finalize complex settlement agreement terms.” [*Id.*].

Despite the tardiness of their request, the Court finds the parties have shown sufficient good cause to justify setting aside the Judgement Order and granting the requested extension. *See, e.g., Campbell v. Assurance Co. of Am.*, No. 3:11-CV-83, 2012 WL 1583306, at *2 (M.D. Ga. May 1, 2012); *Jacobsen v. People of the State of Calif.*, No. 1:14-cv-00108-JLT (PC), 2016 WL 7616705, at *7 (E.D. Cal. Dec. 29, 2016).

Accordingly, the joint motion [Doc. 30] is **GRANTED**, the Judgment Order [Doc. 29] is **SET ASIDE**, and the Clerk is **DIRECTED** to **REOPEN** this case. The parties are **ORDERED** to file a stipulation of dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) on or before **June 27, 2022**. If additional time is needed to file the required stipulation of dismissal, the parties may file a motion to request an extension. The parties are **FOREWARNED** the Court will **NOT** consider any requested extensions made after the June 27, 2022, deadline without a showing of substantial good cause.

If a stipulation of dismissal is not filed and an extension is not timely requested, the Court will dismiss this case pursuant to Federal Rule of Civil Procedure 41(b) and Local Rule 68.1 without further notice.

SO ORDERED.

ENTER:

s/ Susan K. Lee

SUSAN K. LEE
UNITED STATES MAGISTRATE JUDGE